

MAR 14 2014

David J. Bradley, Clerk of Court

AFFIDAVIT

I, Jenelle D. Janabajal, being duly sworn on oath states:

I am a Special Agent with the Federal Bureau of Investigation (FBI), assigned to the Houston Division, Corpus Christi Resident Agency, and have been so employed since November 2009. Prior to employment with the FBI, I served in the United States Marine Corps as a Judge Advocate. The following facts and information are known by the Affiant and were provided by other law enforcement officers directly involved in the investigation of this matter. This information is provided to show that Ezequiel Centeno Melendez is a material witness in case number C-14-279M.

On or about March 5, 2014 Ezequiel Centeno Melendez crossed from Reynosa, Mexico into McAllen, Texas. Melendez was part of a group of approximately six or seven other undocumented aliens. On the morning of March 12, 2014, Melendez and his group were hiding in the brush off of Lucero Road when he saw two law enforcement officers. Melendez knew these individuals were law enforcement officers because they were wearing badges. Melendez and the other members of his group attempted to flee however; Melendez was caught by one of the law enforcement officers. This officer was later identified as Border Patrol Agent Jeffery Havicon.

After Melendez was apprehended by Havicon they both heard several gunshots. Melendez knew they were gunshots because he is familiar with the sound and knows law enforcement officers carry guns. Melendez knew Havicon heard the gunshots because upon hearing them, Havicon started yelling for his partner by name. Although Melendez did not know Havicon's partner's name, he could tell Havicon was yelling out a name. Havicon's partner is Border Patrol Agent William Davis.

Melendez then heard someone yelling in English for help. Although Melendez does not speak English, he could tell that the individual yelling was in distress and in need of assistance. Havicon continued to yell to Davis and the individual yelling for help began yelling back to him. Because of this Melendez understood that the person yelling and in need of assistance was Havicon's partner.

Havicon brought Melendez with him as Havicon moved towards the sound of Davis' yelling. When Melendez and Havicon reached Davis, Melendez saw Davis struggling with an undocumented alien, later identified as Saul Gamaliel Lopez Chile. Melendez also saw a gun lying on the ground near Davis and Chile. A few days before this incident, Melendez met Chile at a house in McAllen, Texas. Melendez and Chile were part of the same group of undocumented aliens traveling together.

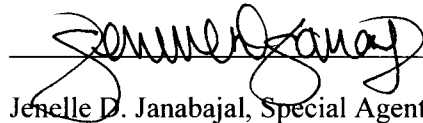
When Havicon arrived to assist Davis in gaining control of Chile, Davis fell back looking exhausted. Davis had a gash on his ear, visible injuries on his face and was breathing very heavily. He

also had blood dripping out of his nose and scratches on his head. Although Melendez did not see Chile hit Davis, he could tell there had been a struggle because of the way Davis looked.

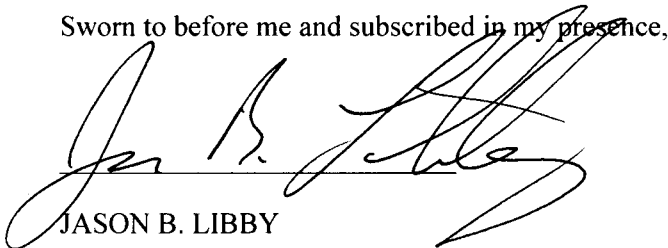
Davis grabbed Chile's legs and assisted Havicon in gaining control of him. Even though Chile had two Border Patrol Agents trying to gain control of him, he continued to resist.

Eventually, Havicon and Chile were able to obtain compliance from Chile and placed him in hand restraints. Melendez then motioned with his head and eyes towards the gun lying on the ground in order to ensure the agents did not forget that it was there. Davis gave Melendez the "thumbs up" sign for doing this. The agents did not do anything else to Chile. They told both Melendez and Chile to sit down and they called for additional Border Patrol Agents.

Melendez and Chile were the only undocumented aliens at the scene. The rest of their group ran away and were not apprehended by Havicon and Davis.


Jenelle D. Janabajal, Special Agent, FBI

Sworn to before me and subscribed in my presence,

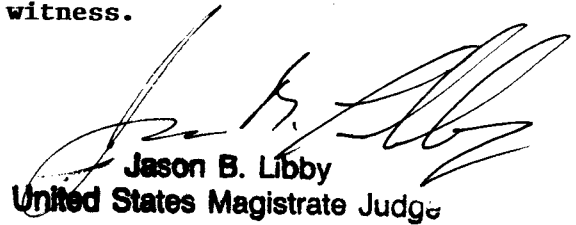

JASON B. LIBBY

U.S. Magistrate Judge

March 14, 2014

Date

It is ORDERED this 14th day of March, 2014, that the above material witness this day be brought before me, be committed to the custody of the United States Marshal pending final disposition of the above captioned case, in lieu of bail in the sum of \$5,000 cash or surety for each material witness.


Jason B. Libby
United States Magistrate Judge
3-14-14